



**City of Seattle**  
Edward B. Murray, Mayor

---

**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3019790  
**Applicant Name:** Sarah Telschow of Odelia Pacific Corp. (for Verizon)  
**Address of Proposal:** 5913 Rainier Avenue South

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a minor communication facility with 12 panel antennas on the roof an existing apartment building (Verizon Wireless). Six equipment cabinets will be located at ground level on a new concrete pad. Existing communication facilities to remain.

The following approval is required:

**Administrative Conditional Use Review** – to allow the establishment of a minor communication utility above the height limit in a Lowrise (LR) zone. (SMC 23.57.011 B)

**BACKGROUND DATA**

**Site Location and Description**

The subject property is developed with a three story Apartment building at the NW corner of the intersection of S Kenny Street and Rainier Avenue S. The proposal is to install 12 panel antennas on two areas on the roof, one containing eight antenna array and one containing four antenna array that will be screened from view as a faux penthouse shrouds. T-Mobile and Clearwire both utilize the roof for existing telecommunication facilities. The immediate area is zoned Single Family (SF) 5000 and Lowrise 3 (LR3.)

**Public Comment**

The public comment period for this project ended May 24, 2015. No comments were received.

## **ADMINISTRATIVE CONDITIONAL USE**

Seattle Municipal Code (SMC) 23.57.011B provides that a minor communication utility, as regulated pursuant to SMC 23.57.002, may be permitted in a Lowrise zone as an Administrative Conditional Use when it meets the development standards of SMC 23.57.011C and the following criteria, as applicable.

- 1. The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The proposed additional antennas for the minor communication utility will be installed on the rooftop of an existing three-story apartment building in an LR zone. No additional noise impacts are anticipated and all equipment must operationally meet the requirements of the Noise Ordinance. No parking spaces or dwelling units will be removed. After a brief construction period, there are no additional traffic impacts anticipated.

Public comment is often received, expressing concern that radio frequency radiation from the proposed facility could be a detrimental impact. The applicant has submitted a “Personal Wireless Service Facility Applicant’s Statement of FCC (Federal Communications Commission) Compliance” and “Non-ionizing Electromagnetic Radiation Report (NIER)” with engineering certification for this proposed facility giving the calculations of radiofrequency power density. The report was prepared by a Washington State licensed professional engineer. This complies with the Seattle Municipal Code (SMC) Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. In 2013, pursuant to Senate Bill 1183, the Washington State legislature exempted most new and expanded minor telecommunication facilities of this scale from review under Washington’s State Environmental Policy Act (SEPA). Furthermore, the FCC has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted.

The application includes search ring analysis per DPD Director’s Rule 19-2013. This location is the least intrusive facility in this neighborhood. The nearest commercial zoning district is approximately 30 feet from the subject site, to the west is zoned SF 5000, to the east and south are zoned LR3; the same zoning as the subject site. No alternative locations within the search ring were viable for function of the proposed antennas. Therefore, the proposed site is the least intrusive location.

The design, size, and height of existing antennas, in conjunction with their low visibility from the surrounding properties and structures, render the existing antennas to be visually unobtrusive. The proposed additional antennas will be fully screened from view.

2. *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

The proposed telecommunication facility will be screened from public view and will be architecturally consistent with the design of the building and similar rooftop features that are typical features on apartments and multi-family structures. This will mitigate visual impacts to the greatest extent practicable.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*
  - a.) *the antenna is at least one hundred feet (100') from a MIO boundary, and*
  - b.) *the antenna is substantially screened from the surrounding neighborhood's view.*

This site is not located within a Major Institution Overlay District. Therefore, this criterion does not apply to the subject proposal.

4. *If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

The proposed antennas will be located above the height limit for the Low Rise zone height limit of thirty feet (30'). The proposed maximum antenna height of 39' with an overall screening height of 39.5' is the minimum height needed for the effective functioning of the proposed rooftop antennas.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The proposed minor communication utility will not be a new freestanding transmission tower. Therefore, this criterion does not apply to the subject proposal.

## **SUMMARY**

The proposed project is consistent with the Administrative Conditional Use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. Once installation of additional antennas and equipment to the facility has been completed, occasional visits would occur for routine maintenance at a similar frequency as does the existing facility. No additional long-term traffic is anticipated.

## DECISION - ADMINISTRATIVE CONDITIONAL USE

The Administrative Conditional Use is **GRANTED**.

## ADMINISTRATIVE CONDITIONAL USE CONDITIONS

None.

Signature: Betty Galarosa for Date: September 17, 2015  
Emily Lofstedt, Land Use Planner  
Department of Planning and Development

EL:bg

H:\Telecom\ACU Telecom\_3019790.docx

## **IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

### Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.